

Appl. No. 09/366,849  
Amdt. dated September 26, 2003  
Reply to Office Action of July 30, 2003

### REMARKS

In the Office Action dated July 30, 2003, the rejections of the claims (except for claim 21) under 35 U.S.C. § 102 over U.S. Patent No. 6,430,417 (Raith) were maintained. Applicant acknowledges the allowance of claim 21.

In maintaining the rejection of claim 1, the Examiner has adopted "the broadest interpretation" of "time slots being synchronized among the segments" recited in claim 1 as including "time slots being synchronized to each cell segment, but there are plurality of such cell segments having time slots being synchronized to." 7/30/03 Office Action at 8. It is respectfully submitted that the Examiner's interpretation of this claim term is unreasonably broad and clearly is not supported by the meaning of the words of the claim.

The claim plainly recites that time slots are time synchronized among the cell segments. The Examiner argues that this can be the same as "time slots being time synchronized to each cell segment." Effectively, the Examiner has equated the term "among" with the term "to," a construction that has no basis in the ordinary meaning of the term "among" or in any definition assigned by the specification of the present application.

The claim element "time slots being time synchronized among the cell segments" means that the time slots of the cell segments are time synchronized with each other (or among each other). In view of this construction of the claim element, Raith clearly does not disclose the communicating element of claim 1. The Office Action points to the passage at the bottom of column 5 (lines 55-67) of Raith as teaching time slots being time synchronized among the cell segments. In the last sentence of column 5, Raith states that in transmitting a burst (from a burst generator 110 within a mobile station), the "burst, which is equivalent to one time slot, is synchronized with the transmitting of the other two time slots . . . ." Raith, 5:66-6:1. Note that this passage refers to synchronizing time slots of a frame by *one* mobile station. Nothing is said about synchronizing time slots *among cell segments*.

In maintaining the rejection of claim 1 over Raith, the Examiner also adopts an unreasonable construction of the term "time slots." In fact, the Examiner's construction

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of the terms "time slots" is contrary to even Raith's use of "time slots." As disclosed by Raith, the six time slots of a frame are depicted in Figure 5A. Raith, 11:43-48. Figures 5B and 5C of Raith illustrate a "time slot format." Raith, 11:52-54. Figure 5F of Raith illustrates a "shortened burst format." Raith, 12:9-12. The guard periods mentioned in Raith are *part* of the time slots--in fact, the guard periods are a small part of each time slot. Therefore, Raith clearly does not disclose time slots *allocated* as guard periods.

In view of the foregoing, withdrawal of the anticipation rejection of claim 1 is respectfully requested.

With respect to independent claim 7, the Examiner does not address Applicant's previous remarks regarding the deficiency in the anticipation rejection of the claim over Raith. Neither the previous Office Action nor the present Office Action points to any passage in Raith that teaches "providing a channel reuse pattern that is based on a plurality of channel frequencies and a plurality of time groups." In fact, no such teaching is present in Raith. Moreover, Raith does not disclose *providing predetermined time slots as guard periods* to reduce likelihood of interference, another element recited in claim 7.

Independent claim 22 is also allowable over Raith because Raith does not disclose receiving control signaling in a first time slot adjacent a second time slot defined *as part* of a guard period to reduce likelihood of interference caused by overlap of time slots between the first cell segment and the neighboring cell segment.

Independent claim 24 is allowable over Raith because Raith does not disclose a mobile unit having a control unit adapted to receive control signaling carried in time slots adjacent time slots *defined as guard periods*.


Independent claim 25 is allowable over Raith because Raith fails to disclose synchronizing time slots among cell segments and allocating predetermined time slots as guard periods to reduce likelihood of interference of signaling

In view of the foregoing, it is respectfully submitted that all claims are in condition for allowance, which action is respectfully requested. The Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 20-1504 (NRT.0004US).

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Respectfully submitted,

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Date

  
Dan C. Hu, Reg. No. 40,025  
Trop, Pruner & Hu, P.C.  
8554 Katy Freeway, Ste. 100  
Houston, TX 77024  
713/468-8880 [phone]  
713/468-8883 [fax]

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